
Section 355 Review of Output

The Breeze (Portsmouth, Southampton and Winchester licences)

Introduction

When a local commercial radio licence undergoes a change of control (this includes licence transfer), Ofcom is required, under section 355 of the Communications Act 2003 ('the Act'), to undertake a review of the effects or likely effects of the change of control in relation to:

- the quality and range of programmes included in the service;
- the character of the service, and;
- the extent to which Ofcom's duty under section 314 of the Act is performed in relation to the service. Ofcom's duty under section 314 of the Act relates to securing the inclusion of an appropriate amount of local material, and a suitable proportion of locally-made programmes in the service.

Under section 356 of the Act, where it appears to Ofcom from its review that the change of control would be prejudicial to any of the three matters listed above, then it must vary the licence, by including such conditions as it considers appropriate, with a view to ensuring that the relevant change of control is not so prejudicial. In doing so, any new or varied conditions must be such that the licence holder would have satisfied them throughout the three months immediately before the change of control. Ofcom is required to publish a report of its review, setting out its conclusions and any steps it proposes to take under section 356. Where Ofcom proposes to vary the licence, it is required to give the licence holder a reasonable opportunity to make representations about the variation.

On 6 February 2019, Celador Radio Limited sent Ofcom a formal request to transfer the analogue commercial radio licences for Portsmouth, Southampton and Winchester to Nation Broadcasting Investments (South) Limited ('Nation Broadcasting'). The licence transfers were approved by Ofcom on 27 February 2019.

Ofcom has now carried out its review under section 355 in relation to the three licences, which broadcast as part of 'The Breeze' network¹. In doing so, we have reviewed the output of the services provided under these licences in the three months prior to the change of control taking place, and considered information provided by Nation Broadcasting with regard to the future programming of these services.

Ofcom's assessment of the output of The Breeze (prior to the change of control)

The FM licences covered by this Review are as follows:

- Portsmouth
- Southampton
- Winchester

¹ The other stations in The Breeze network are still owned by Celador Radio Limited, which was sold to Bauer Radio Limited in January 2019 but is currently subject to a 'hold separate' order from the Competition and Markets Authority.

The stations, all branded as 'The Breeze', broadcast seven hours per day of locally made programming² on weekdays, and four hours per day at the weekend. These are the requirements in each station's Format, and are consistent with Ofcom's localness guidelines. The locally-made programming was aired at weekday breakfast and drivetime, and at weekend late breakfast, and was shared between the three licences, plus the Alton & Haslemere licence (also broadcasting as 'The Breeze'). Outside of these times, 'Breeze' networked output from Celador Radio was carried from studios in Southampton and Bristol.

Local news bulletins were provided hourly between 06.00 and 19.00 on weekdays, and between 07.00 and 13.00 at the weekends. Again, this provision is required by each station's Format. In addition, there were also half-hourly news headlines broadcast during the weekday breakfast show. At peak times, local bulletins were unique to each licence area. The bulletins were produced by a team of journalists based at Celador Radio's Southampton newsroom.

Other local material broadcast by The Breeze included travel news bulletins every 20 minutes at peak-time on weekdays, and hourly between 07.00 and 11.00 at the weekends. Local weather forecasts were aired hourly across weekday daytime, and between 07.00 and 13.00 at weekends. 'What's On' bulletins with information particular to each local licence area were also broadcast at regular intervals throughout the day.

The Formats of all three licences require a broad selection of music to be aired. The Breeze's music output, promoted as "relaxing, feel-good favourites" featured artists from a variety of eras such as Adele, Take That, Van Morrison, Abba, Michael Bubl  and Rod Stewart. Specialist or thematic music programmes included a late night love songs show ('When The Lights Go Down'), broadcast from 22.00 to 01.00 Monday to Sundays, 60s and 70s hours early on Saturday and Sunday mornings (06.00-07.00), songs from the movies (Saturdays, 18.00 – 19.00) and a retro chart show 'The Classic Countdown' Saturdays 1.00-14.00. All of these shows were broadcast across the entire Breeze network.

The new owner's plans

A brand licence agreement is in place with Bauer Radio Limited for the continued use by Nation Broadcasting of 'The Breeze' name and the provision of up to 116 hours per week of programming from Celador Radio which may be shared with other 'Breeze' stations elsewhere in the UK.

Nation Broadcasting has submitted a Format Change request to reduce the amount of locally-made programming hours for these licences to three per weekday, with none at weekends, which is the minimum level of local production required by Ofcom's revised localness guidance published in October 2018. Following the completion of this review, Ofcom will now consider this Format Change Request.

There are no plans by Nation Broadcasting to share any of the locally-made hours outside of the three Breeze services which this review covers. Related to this, Ofcom has recently approved a Format Change Request from Celador Radio Limited relating to other 'Breeze' licences in the south

² Locally-made programming defined as programming made within the licence area or wider 'approved area.'

of England which means that the Portsmouth, Southampton and Winchester licences will no longer share locally-made programming hours with the Alton & Haslemere licence³.

There are also no planned changes to the existing levels of local news provision, which Nation Broadcasting has entered into a commercial agreement with Bauer Radio Limited to provide.

The services will continue to provide regular local weather and travel bulletins.

Recommended variations to the licence

Based on our assessment of the three stations' output in the three months prior to the change of control, we do not believe that the services provided under each of the Portsmouth, Southampton and Winchester licences considered in this Review were broadcasting any programming that was not already reflected in the requirements of the station Formats which would, in our view, have a significant impact upon:

- the quality and range of programmes included in the service;
- the character of the service; and,
- the extent to which local material and locally-made programmes are included in the service.

Therefore, we are not proposing any variations to the licences.

May 2019

³ Available at <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/amend/format-changes-2019>